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NOTES OF CASES.

Peruna Held an Alcoholic Beverage.—A firm of retail druggists doing business in Syracuse, N. Y., was recently held liable for a penalty for illegal sale of liquor by disposing of several bottles of Peruna. Analysis showed almost 27 per cent. alcohol, the effect of which was not neutralized by the few other ingredients. The question of good faith of defendants in believing the mixture to be a medicine was held by the New York Supreme Court to be immaterial. The case is reported under title *Clement v. Dwight*, 121 New York Supplement, 788.

Admissibility of Readings of Photo Speed-Recorders.—The speed of an automobile moving faster than the winds may now be measured by a photo speed-recorder, and the violator of municipal speed ordinances may have his rate calculated to a mathematical certainty and used in evidence against him. The method is to take two pictures of a moving object from behind, one picture about a second later than the other. The object having moved through a certain distance during the interval, the second photograph will be smaller than the first, and by measuring the difference in the size of the two photographs the distance the object has traveled during such period may be determined by the photographic rule that the distance of any object from the lens of the camera is as many times greater than the distance of the photograph from the lens as the length of any line of the real object is greater than its length on the photograph. The admission in evidence of the results of experiments with one of these photographic speed recorders, the *Massachusetts Supreme Judicial Court* holds in *Commonwealth v. Buxton*, 91 *Northeastern Reporter*, 128, was not error, as such results did not depend on the fluctuations of human agencies, but on the workings of natural laws, and it was desirable to have some machine whose action, being dependent on the uniform working of the laws of nature, would accurately record the speed of a moving object.

Photographs of Persons Accused of Crime.—The use of photographs of persons accused of crime is discussed in a short opinion by the Supreme Court of Arkansas in *Mabry v. Kettering*, 122 *Southwestern Reporter*, 115. It was alleged by complainant that pictures were taken for the avowed purpose of placing them in the "Rogues Gallery." The court refuses to take judicial notice as to what such a gallery consists of, or what are its objects, and says that, "for aught we know to the contrary, it may be some legitimate method of identification of criminals or those charged with crime." The main prayer in the complaint was that injunction issue to restrain

the development of the photographic plates which had then been taken; but, as this had been done before the court rendered its decision, it held that it would then be only a moot question, which it would not decide.

Betting on Crap Games.—Cheatham Parks appears to have been addicted to the habit of putting up money on “craps.” Whether his first name led him to such evil deeds, or whether it was derived from his occupation, we are not told, but certain it is that the Texas courts convicted him of betting on a game of craps in violation of a statute in such case made and provided. Subsequently he was rearrested, tried, and convicted for another bet on the same game, and interposed a plea of former jeopardy, but to no avail. The Texas Court of Criminal Appeals in *Parks v. State*, 123 Southwestern Reporter, 1109, upheld the decision of the trial court, saying that, notwithstanding it may have been a continuous game, the law made each bet a distinct and separate offense.

Unenforceable Antenuptial Contract.—The St. Louis Court of Appeals in *Brewer v. Cary*, 127 Southwestern Reporter, 685, holds unenforceable an antenuptial contract providing that the children born of the marriage shall be baptized and educated in the faith of the Roman Catholic Church even if the wife should die. The court, following a long line of decisions, holds the contract unenforceable, since no property rights are involved, because public policy forbids permanent transfer of the natural rights of a parent, since only a moral duty is involved, and because, when the question of a child's welfare turns on the direction of its training and upbringing in one belief or another, equity courts have no power.

Right of Accused to Be Confronted with Witnesses.—Where a deposition, in a homicide case, was taken before an examining magistrate, and accused was confronted with the witness, and had, and availed himself of, full opportunity for cross-examination the Supreme Court of Michigan in *People v. Droste*, 125 Northwestern Reporter, 87, held that the constitutional right of an accused person to be confronted with the witnesses against him was not violated when the trial court admitted the deposition, it appearing that the witness was about to be confined, and therefore unable to attend and give her testimony.

Liability of Railroad for Theft.—Defendant carrier in the case of *Hasbrouck v. New York Cent. & H. R. R. Co.*, 122 New York Supplement, 123, contends that plaintiff, a passenger, in surrendering her suit case to a trainman before she arrived at a station, and permitting him to have it in his custody before she alighted, consti-